

Exhibit 11

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KEITH FISCHER, MICHAEL
O'SULLIVAN, JOHN MOESER, LOUIS
PIA, THOMAS BARDEN, CONSTANCE
MANGAN, and CHARISE JONES,
individually and on behalf of
all others similarly situated,

Plaintiffs,

V.

GOVERNMENT EMPLOYEES INSURANCE
COMPANY d/b/a GEICO,

Defendant.

Case No.

23-Civ-02848 (GRB) (ARL)

VIDEOTAPED 30(b)(6) DEPOSITION of DEFENDANT,
GOVERNMENT EMPLOYEES INSURANCE COMPANY, by
JENNIFER FOGARTY

Friday, October 25, 2024
9:30 a.m.

Held at Outten & Golden LLP
685 New York Avenue, 25th Floor
New York, NY 10017

Reported stenographically by
JOSHUA B. EDWARDS, RDR, CRR, CRC
Notary Public of the State of New York
Registration No. 01ED0000628
Job No. 1212113

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1 Q. Do you know if there was a prior version of
2 this document?
3 A. I wouldn't know.
4 Q. Is the job title lead security investigator
5 still a job title at GEICO?
6 A. Yes.
7 Q. And do they investigate suspected fraud
8 cases?
9 A. That's part of their job, yes.
10 Q. Do lead security investigators do field work
11 as we discussed earlier?
12 A. Depends.
13 Q. What does it depend on?
14 A. Where -- I would say based on where they are,
15 what office they reported to at a given time.
16 Q. If they reported to the Melville office
17 between 2016 and present day, would they have conducted
18 field work?
19 A. I don't know because I don't know if there
20 were any lead security investigators in New York.
21 Q. Do you know who would know if there were any
22 lead security investigators in New York?
23 A. Bill Newport would know.
24 Q. And who do lead security investigators report
25 to?

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1 A. Actually, I take that back. The most recent
2 changed was when the director was hired.
3 Q. When did the director get hired?
4 A. In the last couple of months. I don't know
5 the exact date.
6 Q. Are you saying that the current director was
7 hired in the last couple of months or the position SIU
8 director?
9 A. The current director was hired in the last
10 couple months. That's the last structural change.
11 Q. SIU directors were around prior to a couple
12 months ago; is that correct?
13 A. Yes.
14 Q. What was the structural change that occurred
15 in the last couple of months?
16 A. In the last couple of months, a SIU director
17 was hired. There wasn't one in place.
18 Q. What was the job title of your boss prior to
19 SIU director being implemented?
20 A. I'm sorry. Repeat the question?
21 Q. What was the job title of Douglas Shiring?
22 A. He was an SIU director.
23 Q. And that was prior to a couple of months ago;
24 is that correct?
25 A. Yes.

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1 A. An SIU supervisor.
2 Q. And who would that SIU supervisor report to?
3 A. An SIU manager.
4 Q. Is there anyone above an SIU manager other
5 than the SIU director that the manager would report to?
6 A. Yes, senior manager.
7 Q. And director is above senior manager; is that
8 correct?
9 A. Yes.
10 Q. Has that structure been in place for the
11 period between 2016 to present day?
12 A. No.
13 Q. Do you know when it changed?
14 A. Yes.
15 Q. When did it change?
16 A. Which part of it?
17 Q. The reporting structure from investigator to
18 supervisor to manager to senior manager to director, if
19 any part of that has changed, when did that change
20 occurred?
21 A. It's changed multiple times.
22 Q. When was the most recent change?
23 A. When the senior managers were added.
24 Q. Prior to senior managers, did SIU managers
25 report to SIU directors?

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1 Q. I'm trying to understand what was the change
2 a couple of months ago, then. If there were SIU
3 directors prior to a couple of months ago, what was the
4 structural change? Was it in the reporting line or was
5 it in a job title?
6 A. So I had an SIU director who was let go in
7 October. And from December -- in October, then I had a
8 temporary director, then a senior director was hired.
9 And there was no director in place. People have been
10 fired and hired.
11 Q. The position of senior director, is that a
12 permanent position or was that a temporary position?
13 A. Was or is?
14 Q. Is that -- is that a temporary position or is
15 that a permanent --
16 A. It is not temporary. It's permanent.
17 Q. Where does the senior director fall in the
18 reporting structure between SIU manager, senior
19 manager, and SIU director?
20 A. Now?
21 Q. At present day, correct.
22 A. The director reports to the senior director.
23 The senior managers report -- two of the senior
24 managers report to the director.
25 Q. I see.

<p style="text-align: right;">Page 186</p> <p>1 A. -- document?</p> <p>2 Q. Anywhere where it's a 2019 proposal, how do</p> <p>3 you know it's a proposal whose goals were met?</p> <p>4 A. At the end of 2019 you would do the same</p> <p>5 thing that he did with 2018 and tally up all the claims</p> <p>6 for these two specific jobs, desk and field, and look</p> <p>7 at the result. And then you tally it all up. It's an</p> <p>8 average of all the cases that have been investigated</p> <p>9 for these two specific job codes or job types.</p> <p>10 Q. Are there any manager check-ins to see if a</p> <p>11 region is on track to meeting the goals listed in the</p> <p>12 proposals?</p> <p>13 A. The managers look at their results all the</p> <p>14 time. It's their job to manage that team that's</p> <p>15 assigned to them. So it's their job to know how they</p> <p>16 are doing so they know when they need to coach them.</p> <p>17 Q. Where is that information stored in the</p> <p>18 ordinary course of business?</p> <p>19 A. Depends on what information you are asking</p> <p>20 about, which office you are asking about, and what time</p> <p>21 period you are asking about. It continually has been</p> <p>22 changing. And it's different in every office.</p> <p>23 Q. Where is the data related to these goals</p> <p>24 stored in the ordinary course of business?</p> <p>25 MS. RILEY: Object to the form of the</p>	<p style="text-align: right;">Page 187</p> <p>1 question.</p> <p>2 A. In the cloud.</p> <p>3 Q. What is the cloud?</p> <p>4 A. (Indicating.) Data cloud. It's in the cloud</p> <p>5 somewhere out in space.</p> <p>6 Q. When you say "data cloud," are you referring</p> <p>7 to an internal database used at GEICO?</p> <p>8 A. Yes.</p> <p>9 Q. Who has access to that database?</p> <p>10 A. Claims supervisors and managers would have</p> <p>11 access. You're talking about for the specific</p> <p>12 investigations?</p> <p>13 Q. Correct.</p> <p>14 A. The investigators input their investigations</p> <p>15 and the supervisors and managers have access to see any</p> <p>16 of them.</p> <p>17 Q. Do investigators have access to information</p> <p>18 once it's inputted into a database?</p> <p>19 A. Yes, they can see all their cases. And they</p> <p>20 can look up -- I think they can look up other people's.</p> <p>21 I'm not sure. It's changed over time as well.</p> <p>22 Q. Can they see their cases even when they are</p> <p>23 closed?</p> <p>24 A. Yes.</p> <p>25 MS. JEAN: Let's take a break.</p>
<p style="text-align: right;">Page 188</p> <p>1 THE VIDEOGRAPHER: We are going off the</p> <p>2 record. The time is 3:48 p.m.</p> <p>3 (Recess taken.)</p> <p>4 THE VIDEOGRAPHER: We are back on the record.</p> <p>5 The time is 4:07 p.m.</p> <p>6 MS. JEAN: Thank you.</p> <p>7 BY MS. JEAN:</p> <p>8 Q. So before we went on break, we were</p> <p>9 discussing where the data related to these goals were</p> <p>10 stored in the ordinary course of business. And you</p> <p>11 responded in the cloud which you further elaborated was</p> <p>12 the data cloud. And I asked you if that was an</p> <p>13 internal database used at GEICO, and you said yes.</p> <p>14 What is the name of that database?</p> <p>15 A. Investigations are stored in a case</p> <p>16 management system database called SICM, Special</p> <p>17 Investigation Case Management.</p> <p>18 Q. During the relevant period were cases stored</p> <p>19 anywhere else?</p> <p>20 A. They should all be in there, but major cases</p> <p>21 may get entered at a different time than an individual</p> <p>22 case.</p> <p>23 Q. Why is that?</p> <p>24 A. Because they are much more complex and long,</p> <p>25 and they have a lot more evidence attached to them.</p>	<p style="text-align: right;">Page 189</p> <p>1 Q. When you say "at a different time," are you</p> <p>2 still referring to them being updated on SICM?</p> <p>3 A. Mm-hmm.</p> <p>4 Q. Is that a "yes"?</p> <p>5 A. Yes.</p> <p>6 MS. JEAN: I am going to mark the next</p> <p>7 exhibit as Exhibit 9.</p> <p>8 (Fogarty Exhibit 9, Special Investigations</p> <p>9 Unit Core Metrics 2020 Proposal, was marked for</p> <p>10 identification.)</p> <p>11 THE WITNESS: Thank you. Oh, 2020.</p> <p>12 BY MS. JEAN:</p> <p>13 Q. Exhibit 9 is Bates stamped G007975 and it's</p> <p>14 titled "Special Investigations Unit Core Metrics 2020</p> <p>15 Proposal." Have you seen this document before?</p> <p>16 A. I don't remember seeing it.</p> <p>17 Q. Earlier you mentioned that the presentation</p> <p>18 we just reviewed was different in terms of the format</p> <p>19 that you were used to seeing presentations in. Is this</p> <p>20 format of presentation similar to presentations that</p> <p>21 you have reviewed before?</p> <p>22 A. It's similar to the previous one.</p> <p>23 Q. Do you know who presented this -- excuse me.</p> <p>24 Do you know who created this document?</p> <p>25 A. Not offhand.</p>

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1 Q. Oh.
2 A. And I don't remember. We talked about this
3 earlier.
4 Q. Supervisor?
5 A. What the heck does it stand for?
6 Performance-something, supervisor performance review,
7 something like that.
8 Q. Are supervisor performance review or SPR
9 guidelines used to conduct performance reviews for
10 investigators?
11 A. It's 40 percent of their core metric rating,
12 and then their core metric rating is a portion of one
13 item out of many that are reviewed to establish their
14 end-of-year rating.
15 Q. What are the other items that are used to
16 establish the end-of-year rating?
17 A. Special projects, school, continuing
18 education like insurance studies, volunteer work,
19 charity work, helping other people.
20 Q. When you say "school" earlier, you said
21 "degree." Is that the same thing?
22 A. Mm-hmm.
23 Q. Does that mean if an investigator obtained a
24 degree during the course of the year for the annual
25 performance review, they would be assessed on attaining

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1 that degree?
2 A. It would be one factor in their overall
3 yearly review.
4 Q. Are investigators required to conduct special
5 projects?
6 A. No.
7 Q. Are they allowed to volunteer for special
8 projects?
9 A. Mm-hmm.
10 Q. Was that a "yes"?
11 A. Yes.
12 Q. Can they be assigned special projects without
13 volunteering?
14 A. Generally no. If they do, then these would
15 not apply to them because that would be unfair.
16 Q. Oh, I see.
17 When you say "volunteer activity," can you
18 give me examples of volunteer activity?
19 A. Yeah. They actually do charity work.
20 Q. And that's part of their assessment at the
21 end of the year?
22 A. Yes.
23 Q. Is there a reporting mechanism to report
24 charity work or volunteer work?
25 A. They report it. They self-report it when

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1 they write their self-PA.
2 Q. Is PA performance appraisal?
3 A. Yes.
4 Q. On the 2020 scale, it says for case life,
5 less than 5 -- sorry. A number 5 would mean that they
6 closed a case in less than one day; is that correct?
7 A. Yes.
8 Q. What would be required to close a case in
9 less than one day?
10 A. The investigator took enough steps to decide
11 if it was suspected fraud or a valid claim. It's up to
12 the investigator to determine what they have to do to
13 either validate or confirm fraud. They are
14 fact-finders.
15 Q. Turning to the page Bates stamped G007977, it
16 says "2020 Field Investigator Core Metrics." Do you
17 see that?
18 A. Yes.
19 Q. For productivity, the 2020 scale says "TBD."
20 Do you know why that was TBD?
21 A. Yes.
22 Q. Why was that TBD?
23 A. It says in the note right below it they
24 need -- whoever was assessing for that year needed to
25 get two months' worth of data before they could

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1 establish what the goal was, because it was new.
2 Q. When we were discussing data earlier, you
3 mentioned the data cloud and SICM being the main
4 database for data. Are there any other databases that
5 track productivity of cases?
6 A. Yes.
7 Q. What are they?
8 A. It's also in the cloud, but it's a report.
9 It's like a management report. Doesn't exist anymore.
10 Or it's broken, I should say.
11 Q. When did it exist?
12 A. I think it broke a couple years ago.
13 Q. When you say "broke," what do you mean?
14 A. When the company reorganized, it literally
15 broke all of the reporting mechanisms because we
16 changed or somebody changed the entire structure of
17 GEICO.
18 Q. Are there any other databases that track
19 productivity that we did not discuss?
20 A. No.
21 Q. Are there databases other than SICM that
22 track quality?
23 A. Depends on the time frame. It's changed.
24 Q. Can you tell me what database is currently
25 used to track quality of cases?

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1 A. It's a database. We named it because it was
2 built internal, so we call it Guardian. It's just an
3 auditing system, a form, I should say. The system
4 doesn't actually do anything. It's just a form to
5 input the audit.
6 Q. Does it store the audit forms?
7 A. It's a blank form that you just fill out and
8 then it saves it so that you can roll up all the
9 results.
10 Q. Is there a database other than SICM that
11 tracks case life?
12 A. No. It would be in the same two places.
13 It's the cases are in SICM, and then you can run a
14 report to get the overall tally of them.
15 Q. Are reports run in SICM often?
16 A. Yes. You can do it whenever you need data.
17 Q. If you turn to 7978, it lists "Supervisor
18 Core Metrics Weights." Do you see that?
19 A. Yes.
20 Q. On the fourth line it says "AOS/pulse survey
21 results." What is AOS?
22 A. Associate Opinion Survey.
23 Q. What is an Associate Opinion Survey?
24 A. It's literally a survey that associates fill
25 out of their opinions about the company.

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1 proposal.
2 Q. Yes.
3 A. At the bottom it says, "Should we incorporate
4 survey results?"
5 So I don't know that they were measured on
6 it. This does not say it's final.
7 Q. Do you know if a final version of this
8 document exists?
9 A. I do not know.
10 Q. Are proposals typically presented in draft
11 form?
12 A. Yes.
13 Q. Who would they be presented to?
14 A. Whoever -- I don't know who it would have
15 been in this case.
16 Q. Earlier you testified regarding the prior
17 presentation that it was Douglas who drafted it?
18 A. Yes.
19 Q. And this one was end of 2019, beginning of
20 2020, possibly later. Do you know who would have
21 drafted it during that it would?
22 A. It would have still been Douglas Shiring.
23 Q. What does the note at the bottom, "No change
24 in 2019 categories when matched for investigators,"
25 what does that mean?

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1 Q. How often did they fill out the AOS?
2 A. Whenever the company decides to send one out.
3 It's not on a regular basis.
4 Q. Do you know when the last one was
5 administered?
6 A. This year some time, I think.
7 Q. Prior to this year, do you know when the one
8 before was administered?
9 A. No, I don't remember.
10 Q. Was it after the pandemic?
11 A. I don't remember. It's been a couple of
12 years.
13 Q. Do you know if it was before the pandemic?
14 A. We've had them on and off as long as I've
15 worked at GEICO, but it's not at always the same
16 cadence.
17 Q. What are pulse surveys?
18 A. It is what we refer to as a mini-survey that
19 was sent out after the AOS, and it was to measure
20 whether they were -- the results were changing.
21 Q. In reading these metrics for supervisor core
22 metrics weights, are supervisors then assessed on the
23 survey results for the associate opinion survey and the
24 pulse survey?
25 A. On here it says that. Well, this is a

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1 A. It means that there was no change from the
2 2019 categories, the metrics, the four metrics. And
3 then it says that ranges match the investigators, which
4 means that they have the same -- it look he's saying
5 the same weights.
6 Q. Do you know if in 2020, the effectiveness
7 metrics was replaced by the survey results?
8 A. I don't remember.
9 Q. When Douglas did this presentation, do you
10 recall if he posed the question, "Should we incorporate
11 survey results instead of effectiveness?"
12 A. I don't remember the presentation, but that's
13 what it says on here.
14 Q. Who would have been the audience for this
15 presentation? Sorry.
16 Who was the audience for this presentation?
17 A. I don't know.
18 Q. Did you -- do you recall seeing this
19 presentation?
20 A. No, I don't remember seeing it.
21 Q. Turning to 7979, "Manager Core Metric
22 Weights," in 2019 -- well, the metrics are listed. And
23 then it says "new" for 2019. What does that mean?
24 A. Can you repeat the question?
25 Q. Under "Manager Core Metric Weights," under

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1 GEICO?

2 A. She's had multiple over the years. When I
3 met her she was the AVP of underwriting.

4 Q. Are you familiar with her role as vice
5 president of CALG?

6 A. Yes, aware of that position, but I don't know
7 what you mean by "aware of."

8 Q. I asked are you familiar with her role as
9 vice president of CALG?

10 A. I was aware that she was. I don't know her
11 specific job duties if that's what you are asking.

12 Q. Did you interact with her as vice president
13 of CALG?

14 A. No.

15 MS. JEAN: Can we go off the record.

16 THE VIDEOGRAPHER: We are going off the
17 record. The time is 6:15 p.m.

18 (Recess taken.)

19 THE VIDEOGRAPHER: We are back on the record.

20 The time is 6:22 p.m.

21 BY MS. JEAN:

22 Q. Earlier today we were talking about the
23 policy change in terms of the rubric for performance
24 appraisals. One of the changes we discussed was when
25 the policy changed from ratings under 3 not necessarily

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1 being issued a warning. Do you recall that?

2 A. Yes.

3 Q. Do you know when the policy changed so that
4 ratings 3 or under are not considered -- are not
5 administered a warning?

6 A. In the last couple of years.

7 Q. When you say "couple of years," are you
8 referring to two years ago?

9 A. Probably about within the last two years, the
10 last two to three years.

11 Q. We also discussed staffing projections on
12 Exhibit 17 in terms of the outside supervisor job
13 description. Do you recall that?

14 A. Yes.

15 Q. Is there a document where staffing
16 projections are listed?

17 A. Not that I know of. Staffing projections?

18 Q. How are staffing projections determined?

19 A. Based on anticipating regulatory changes in
20 the states, anticipated weather, process changes that
21 may affect us. There's a whole host of different
22 things. Automation affects that as well.

23 Q. Are those factors for staffing projections
24 listed anywhere?

25 A. No. You have to take into account everything

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1 that's going to affect your business.

2 Q. Who creates staffing projections?

3 A. It's changed multiple times over the years,
4 and it's different depending on what office you work
5 in.

6 Q. For New York Region 2 from 2016 to present,
7 who was responsible for creating staffing projections?

8 A. For that time period, I only know since 2018
9 when Bill started managing that time. Before that I
10 don't know because I wasn't in SIU.

11 Q. Who currently manages investigators in
12 New York?

13 A. Depends on what investigator.

14 Q. There are investigators all over the country
15 that -- sorry, supervisors all over the country that
16 manage investigators located in New York; is that
17 correct?

18 A. Yes.

19 MS. JEAN: This is Exhibit 18.

20 (Fogarty Exhibit 18, AD & SIU Talking Points,
21 was marked for identification.)

22 THE WITNESS: Thank you.

23 BY MS. JEAN:

24 Q. This document is Bates stamped G10294,
25 document titled "AD & SIU Talking Points." Have you

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1 seen this document before?

2 A. Yes.

3 Q. In what context have you seen this document?

4 A. It would have been sent out from HR when the
5 change was being made to notify us.

6 Q. If you go under the title of "FAQ," the third
7 bullet point, "Will management discontinue scheduling
8 overtime?" Do you see that?

9 A. Yes.

10 Q. It states, "Overtime has always been
11 available based on business need." What is "business
12 need"?

13 A. It means if you need to have somebody work
14 overtime based on the needs of the business so that you
15 can get the work done.

16 Q. Who determines business needs?

17 A. Depends on who it's for or what it's relating
18 to.

19 Q. Who determines business need for
20 investigators in New York as it relates to overtime?

21 A. It would have depended on who the manager was
22 at the time.

23 Q. Would the manager determine if there's a
24 business need that requires overtime?

25 A. If an investigator or supervisor says that

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1 overtime is needed, then the manager and supervisor
2 would go over it and they would find the -- they would
3 look to see if there was somebody else that could help
4 and if not they could look to approve overtime.
5 Q. How much discretion do supervisors have in
6 authorizing overtime?
7 A. It would be different based on the office and
8 the time period and whoever their boss was and how
9 comfortable they were with their decision-making.
10 Q. Do supervisors have discretions in
11 determining whether or not to authorize overtime?
12 A. It depends on the office and the time period
13 and how comfortable their boss was with allowing them
14 to make those decisions on their own.
15 Q. Do you know if supervisors who reported to
16 Bill Newport in New York in 2016 to present have
17 discretion in authorizing overtime?
18 A. No, I don't know.
19 Q. Do you know if GEICO has any guidance or
20 training on how to authorize overtime?
21 A. I don't know.
22 Q. Do you know if managers receive any training
23 on authorizing overtime?
24 A. No.
25 Q. Do you know if managers receive any training

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1 about assessing business need?
2 A. No.
3 Q. The policy on Exhibit 18, G010294, do you
4 know if this is still the current policy?
5 A. Yes, it is, or at least the top part is that
6 they will be paid based on time and a half. You want
7 to know about all of this?
8 Q. The expectations around having overtime do
9 not change, for example, those three bullet points, the
10 current policy, overtime must be approved by
11 management --
12 A. Yes.
13 Q. -- with authorization?
14 You can put that aside.
15 How do investigators learn that a case has
16 been assigned to them?
17 A. In SICM they have a pending, and the case
18 would pop into their pending as brand new. They may
19 also receive an e-mail depending on who their intake
20 was and time period and the process that that office
21 established.
22 Q. Other than intake which we discussed earlier,
23 are there other people that would assign a case or
24 investigator within SICM?
25 A. Yes, it's possible.

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1 Q. What are those other titles that would assign
2 cases to investigators within SICM?
3 A. Depends on the office and the time period. A
4 supervisor could have been involved in the assignment
5 process.
6 Q. Do you know if supervisors were involved in
7 the assignment process for investigators in New York in
8 Region 2 from 2016 to present?
9 A. I don't believe that they were starting in
10 2018 when Bill was there. Prior to that I wouldn't
11 know.
12 Q. Are there any other systems used to assign
13 cases to investigators?
14 A. Depends on what investigators.
15 Q. What would be another system used to assign a
16 case to an investigator?
17 MS. RILEY: Object to form, subject to which
18 you may answer.
19 A. E-mail.
20 Q. When you say "e-mail," does that mean a
21 supervisor or an intake clerk may e-mail an
22 investigator?
23 A. No.
24 Q. What does "e-mail" mean then?
25 A. It means that an investigator could be sent

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1 an e-mail with an assignment of a new case to
2 investigate.
3 Q. Who would that e-mail come from?
4 A. Depends on the office and who was assigning
5 cases.
6 Q. In New York from 2016 to present, who would
7 that e-mail come from?
8 A. I don't know who was assigning cases
9 specifically at that time, but some cases are not
10 assigned through SICM.
11 Q. Are you familiar with Atlas?
12 A. Yes.
13 Q. What is Atlas?
14 A. Claims system.
15 Q. Do investigators use Atlas?
16 A. They don't. When you say "use it," they
17 review it, but they don't use the claims system because
18 they are not claims adjusters.
19 Q. What do they review in Atlas?
20 A. They can review anything they want, prior
21 claims, existing claims. It's up to them.
22 Q. Who uses Atlas?
23 A. Anybody in Claims.
24 Q. Can you give me job titles that would use
25 Atlas?

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1 A. I could give you a couple of examples. It's
2 all of Claims.
3 Q. Is SIU a part of Claims?
4 A. Not in that context, no.
5 Q. Is Atlas still used today?
6 A. Yes.
7 Q. Does Atlas -- does the Atlas system interact
8 with the SICM system such that data from one or the
9 other is fed into one or the other?
10 A. It does now, but it didn't always. It only
11 communicates very minimal data.
12 Q. Do investigators primarily use SICM for case
13 assignments?
14 A. Primarily, yes.
15 Q. Do investigators primarily use SICM for case
16 reports?
17 A. Yes.
18 Q. What information do investigators input into
19 SICM as it relates to case investigation?
20 A. They mark down every task that they take in
21 the investigation. The stuff that they take, they
22 document.
23 Q. Are those documented steps timestamped?
24 A. Yes.
25 Q. Can you query SICM to find out the number of

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1 entries made on a case?
2 A. No. I would have to manually count.
3 Q. Are the tasks the same thing as investigative
4 activities?
5 A. Yes.
6 Q. Is there a SICM report that can pull
7 investigative activities on any given case?
8 A. No.
9 Q. How are investigative activities reported
10 out?
11 A. What do you mean "reported out"?
12 Q. Earlier we looked at various metrics that
13 included investigative activities and goals for them.
14 How are those inputted into performance appraisals, for
15 example?
16 A. The investigator as they are working the case
17 selects the activity that they are working, and then
18 the database that you just showed me tallies them by
19 region.
20 Q. My question is a little different.
21 I'm talking about investigative activities in
22 SICM. Does SICM keep track of the number of
23 investigative activities within a given case?
24 A. No.
25 Q. Are investigators assessed as part of their

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1 performance appraisal for the number of investigative
2 activities on cases?
3 A. Not now.
4 Q. When did that change?
5 A. It was only in effect I believe on the
6 document you looked at.
7 Q. Are the factors that we looked at earlier,
8 for example, field cases factoring at 1.25, are those
9 taken into account in SICM?
10 A. No.
11 Q. How does an investigator close a case?
12 A. They click a button.
13 Q. When they click a button, where does that
14 case go?
15 A. Nowhere.
16 Q. Do supervisors have to do anything to close a
17 case?
18 A. No, not unless the person is brand new.
19 Q. Is anyone responsible for tracking how many
20 cases are assigned to investigators?
21 A. It would be the responsibility of their boss.
22 Q. Can their boss adjust their caseload if it's
23 too high or low?
24 A. Yes. It's their job, their responsibility to
25 load-level for their team.

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1 Q. We looked at various job titles earlier, for
2 example, the security field investigator or a variation
3 of that. Is there a target number of cases that should
4 be assigned to field security investigators?
5 A. It would depend on the time period, the
6 office, where they are, and the complexity of the cases
7 that they're working, among other things.
8 Q. Do investigators log into SICM every day?
9 A. That's up to them.
10 Q. Does SICM allow investigators to track
11 investigative activities for more than one case at a
12 time?
13 A. No.
14 Q. Does that mean investigators can only have
15 one case open at a time on SICM?
16 A. No.
17 Q. What does that mean?
18 A. What does what mean?
19 Q. I asked does SICM allow investigators to
20 track investigative activities for more than one case
21 at a time.
22 A. And I said no.
23 Q. Does that mean investigators can only have
24 one case open at a time? Can investigators have
25 multiple cases open at a time?

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1 A. Yes.
2 Q. Can an investigator be logged out of SICM for
3 any reason?
4 A. Yes.
5 Q. What would be the reason?
6 A. Because they are not working in there.
7 Q. If an investigator is working within SICM,
8 can they be logged out?
9 A. You have to log in to work in SICM.
10 Q. Can the SICM system itself log someone out,
11 for example, if they have been inside of the SICM
12 platform for more than eight hours?
13 A. No. It will just sit there and keep going,
14 just sit there open.
15 Q. Is there a format that investigators need to
16 follow when creating investigative activities within
17 SICM?
18 A. No.
19 Q. Are there other databases that investigators
20 use for case management?
21 A. No.
22 Q. We talked about Workday earlier. Are there
23 any other databases that investigators use for
24 timekeeping?
25 A. Not that I'm aware of.

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1 use?
2 A. Depends on the time period.
3 Q. Current day?
4 A. They have a laptop. They have a cell phone.
5 They have a vehicle. You said "field," right?
6 Q. I just said "investigators."
7 A. Oh, well, then it depends on what type of
8 investigator they are.
9 MS. RILEY: Can we check the time, please.
10 THE VIDEOGRAPHER: Six hours and 55 minutes,
11 53 seconds.
12 MS. RILEY: Thank you.
13 BY MS. JEAN:
14 Q. Going back to SICM, is there an administrator
15 of SICM databases?
16 A. What do you mean by "administrator"?
17 Q. Is there a person responsible for looking at
18 SICM to make sure the program is functioning correctly
19 or doing anything within SICM in terms of correcting
20 entries or anything like that?
21 A. No.
22 Q. Can an investigator correct an entry after
23 it's been submitted?
24 A. Yes.
25 Q. Once a case is closed, can an investigator

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1 Q. Is Workday also used for coaching?
2 A. No, I don't believe so.
3 Q. Where are performance and improvement plans
4 located?
5 A. That's in Workday. You "said performance
6 improvement plan"? Sorry. They don't exist anymore.
7 Q. Where are warnings located?
8 A. They are in -- where would a warning be? I
9 don't know if they are in Workday or not. They go
10 through HR.
11 Q. Going back to SICM, is it possible to run a
12 query in SICM showing the number of activities done by
13 an investigator over a given time?
14 A. No.
15 Q. Does SICM keep track of when a case is
16 closed?
17 A. It timestamps when the investigator hits the
18 button.
19 Q. Do you use WebEx?
20 A. I do.
21 Q. What do you use it for?
22 A. To make phone calls.
23 Q. Is there a chat function within WebEx?
24 A. Yes.
25 Q. What GEICO-issued devices do investigators

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1 still go back and correct an entry after it's been
2 submitted?
3 A. I believe so, yes.
4 Q. Is there a time frame for that correction,
5 for example, 24 hours?
6 A. No.
7 Q. You mentioned that investigators also are
8 given phones. Is that true for the categories of field
9 investigators we discussed earlier?
10 MS. RILEY: Object to the form of the
11 question. Subject to that, you may answer.
12 A. Only field investigators have company-issued
13 phones as far as investigators.
14 Q. Sorry?
15 A. As far as the group of investigators, only
16 field has company-issued phones now. In the past it's
17 possible that desk could have been phones as well,
18 depending on what office you were in.
19 Q. Is there anyone at GEICO with
20 administrator-level permissions for SICM?
21 A. I am.
22 Q. What can you do as an administrator-level
23 permission on SICM?
24 A. An example would be that I can go in and I
25 can mark whether or not an investigator needs approval

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Exhibit 13 AD&SIU: Check in/Check Out Enablement Training-Associate FAQs 220

Exhibit 14 Unmatched Time Clock Event Desktop Manager 223

Exhibit 15 FLSA Communication to Associates 226

Exhibit 16 Excel spreadsheet sheet titled "SIU Core Metrics Report Card" 228

Exhibit 17 Job description for Outside Supervisor Investigator SIU-New York/New Jersey 247

Exhibit 18 AD & SIU Talking Points 256

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WITNESS DECLARATION

I, JENNIFER FOGARTY, do hereby certify that having been duly sworn to tell the truth, I gave the above testimony.

I FURTHER CERTIFY that I have read the foregoing pages, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

JENNIFER FOGARTY

Subscribed and sworn to before me this _____ day of _____, 2024.

Notary Public

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REPORTER CERTIFICATE

I, JOSHUA B. EDWARDS, a Notary Public for and within the State of New York, do hereby certify:

That JENNIFER FOGARTY, whose examination is hereinbefore set forth, was duly sworn, and that such examination is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of October 2024.

JOSHUA B. EDWARDS
Registered Diplomate Reporter
Certified Realtime Reporter
Certified Realtime Captioner
Notary Public of the State of NY
Registration No. 01ED0000628